

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<https://oversight.house.gov>

May 15, 2023

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
U.S. Department of Homeland Security
500 C Street SW
Washington, D.C. 20024

Dear Administrator Criswell:

The Committee on Oversight and Accountability is conducting oversight of the Federal Emergency Management Agency's (FEMA) administration of the Emergency Food and Shelter Program (EFSP).¹ Through this program, FEMA works closely with and is associated with nongovernmental organizations (NGOs) to provide shelter, food, and other supportive services such as travel to illegal border crossers.² Based on recent reporting, EFSP funds are possibly being used by certain NGOs to offset expenses incurred abroad in efforts to facilitate and incentivize illegal immigration to the United States.³ If true, this is a gross misuse of federal taxpayer dollars. Therefore, we request documents and communications related to FEMA's oversight of the EFSP and FEMA's plan to ensure EFSP only reimburses authorized expenses.

A recent media report outlines how the American Red Cross is contributing to—not helping to alleviate—illegal immigration.⁴ By law, the American Red Cross appoints a member to the National Board governing EFSP.⁵ Through EFSP, the American Red Cross has facilitated the housing and cross-country travel of migrants released from Department of Homeland Security (DHS) custody in the U.S.⁶ The American Red Cross also engages with migrants abroad who eventually illegally cross the southwest border.⁷ The report shows that migrants in Central America and Mexico were provided with detailed maps.⁸ These maps included clearly defined routes to cities along the southwest U.S. border, and guides with helpful tips for the dangerous journey, including how to deal with forest, jungle, or desert terrain, how to avoid

¹ See An Act Making appropriations to provide productive employment for hundreds of thousands of jobless Americans, etc., Pub. L. No. 98-8, 97 Stat. 13, 28 (1983); see also Stewart B. McKinney Homeless Assistance Act, Pub. L. No. 100-77, 101 Stat. 482, 489 (1987).

² See FEMA Grants, Emergency Food and Shelter Program, FEMA.

³ See Jennie Taer, *EXCLUSIVE: Red Cross Packets Show Migrants Where To Cross the US Border*, DAILY CALLER (Mar. 9, 2023).

⁴ *Id.*

⁵ 42 U.S.C. § 11331(b).

⁶ *Supra*, n.3.

⁷ *Id.*

⁸ *Id.*

injury when jumping on trains traveling north through Mexico to the southwest border, and usage of flotation devices if crossing rivers or bodies of water.⁹ These maps even included simple legal advice including an admonition to inquire of authorities about the possibilities of seeking asylum.¹⁰ These maps and guides were stamped with the logo and name of The American Red Cross along with Red Cross organizations in Mexico, Guatemala, Honduras, El Salvador, Costa Rica, and Panama, and the International Committee of the Red Cross.¹¹

In addition to the American Red Cross working to facilitate migrants' journeys to the southwest border, a DHS Office of Inspector General (OIG) report questions FEMA's oversight of EFSP reimbursements in general. The OIG found that EFSP reimbursed nongovernmental organizations (NGOs) and local recipient organizations (LROs) for services to migrants—some of whom had no prior encounter record with DHS—without required supporting documentation in 58 percent of sampled funds appropriated under the American Rescue Plan Act of 2021 (ARPA).¹² ARPA funds in this program may only be used to reimburse LROs and NGOs for services provided to individuals encountered and released by DHS personnel.¹³ Yet DHS OIG found that LROs were reimbursed for services to individuals who were never encountered by DHS personnel, indicating ESFP funded organizations provided taxpayer-reimbursed services to “gotaways.”¹⁴

Under the Biden Administration, DHS has relied on NGOs as a critical pillar of its efforts¹⁵ to speed up releases of and provide onward travel throughout the country to illegal border crossers.¹⁶ The Consolidated Appropriations Act required U.S. Customs and Border Protection (CBP) to transfer \$800 million of its appropriation to FEMA “to support sheltering and related activities provided by non-Federal entities, including facility improvement and construction, in support of relieving overcrowding in short-term holding facilities of [CBP].”¹⁷ FEMA recently announced that it would make \$350 million of those funds available to EFSP “to help local communities around the country better manage the costs of noncitizen arrivals in their communities.”¹⁸

President Biden and his Administration have issued a series of executive orders, memoranda, and other policies that eroded deterrence and undermined border security. A federal

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Office of Inspector General, FEMA Should Increase Oversight to Prevent Misuse of Humanitarian Relief Funds, DEP'T. OF HOMELAND SECURITY (Mar. 28, 2023).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See Memorandum for Interested Parties from Alejandro Mayorkas, Secretary, DEP'T. OF HOMELAND SECURITY (Apr. 26, 2022).

¹⁶ See Heritage Oversight Project and Border Security and Immigration Center, *Memorandum*, THE HERITAGE FOUNDATION (Dec. 5, 2022).

¹⁷ Consolidated Appropriations Act, 2023, H.R. 2617, 117th Cong. Div. F Title II.

¹⁸ Press Releases, *DHS Awards \$350 Million for Humanitarian Assistance Through the Emergency Food and Shelter Program*, FEMA (Feb. 28, 2023).

judge recently compared the Biden Administration's policies "to posting a flashing Come In, We're Open sign on the southern border."¹⁹ These disastrous policies have led to unprecedented encounters of illegal border crossers at the southwest border and subsequent releases from custody in many cases.²⁰ Taxpayer funded NGOs then facilitate illegal border crossers' release and onward travel throughout the country.²¹ These releases have overwhelmed American communities from Yuma²² and El Paso²³ to Martha's Vineyard²⁴ and New York City.²⁵

To assist the Committee in conducting oversight of FEMA's administration of the EFSP, please provide the following documents and communications, covering the time period January 20, 2021 to the present unless otherwise indicated, no later than May 30, 2023:

1. All documents and communications within FEMA, including the EFSP National Board, regarding National Board member organizations' activities to aid individuals abroad who are inadmissible to the U.S. and intend to illegally cross the U.S.-Mexico border or present themselves for inspection at a port of entry;
2. All documents and communications within FEMA, including the National Board, regarding reimbursements to NGOs and LROs for providing services to illegal border crossers under the American Rescue Plan and under the Consolidated Appropriations Act;
3. All documents and communications between FEMA, including the National Board, and any third-party regarding National Board member organizations' activities to aid intending illegal border crossers journey to the U.S.-Mexico border; and
4. All documents and communications between FEMA, including the National Board, and any third-party regarding reimbursements to NGOs and LROs for providing services to illegal border crossers under the American Rescue Plan and under the Consolidated Appropriations Act.

¹⁹ *State of Florida v. United States of America, et al.*, Case No. 3:21-cv-1066-TKW-ZCB at 18 (N.D. Fla. 2023).

²⁰ See John Gramlich, *Monthly encounters with migrants at U.S.-Mexico border remain near record highs*, PEW RESEARCH CENTER (Jan. 13, 2023); Newsroom, *Southwest Land Border Encounters*, U.S. Customs and Border Protection (accessed Mar. 30, 2023).

²¹ See William La Jeunesse, *Nonprofits and NGOs assisting migrants who cross the border: humanitarian support or abetting a crime*, FOX NEWS (Feb. 4, 2022).

²² See Taylor Penley, *Arizona hospital on brink of collapse after spending \$20 million on migrant care: 'Nobody has a solution'*, FOX NEWS (Feb. 5, 2023).

²³ See Uriel J. Garcia, *In El Paso, migrants are sleeping on the streets after thousands crossed the border last weekend*, THE TEXAS TRIBUNE (Dec. 14, 2022).

²⁴ See Steven Nelson, *Massachusetts gov calls up National Guard over 50 Martha's Vineyard migrants*, NY POST (Sep. 16, 2022).

²⁵ See Deepti Hajela, *Mayor declares state of emergency for NYC over migrants*, THE ASSOCIATED PRESS (Oct. 7, 2022).

The Honorable Deanne Criswell

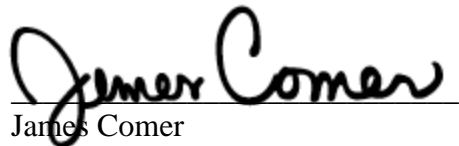
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To arrange for the delivery of responsive documents or ask any related follow-up questions, please contact the Committee on Oversight and Accountability Majority staff at (202) 225-5074. Attached are instructions for producing the documents and information to the Committee.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



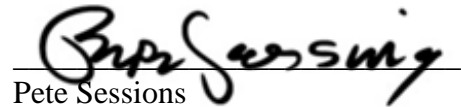
James Comer
Chairman
Committee on Oversight and Accountability



Glenn Grothman
Chairman
Subcommittee on National Security,
the Border, and Foreign Affairs



Jake LaTurner
Member of Congress



Pete Sessions
Chairman
Subcommittee on Government Operations
and the Federal Workforce



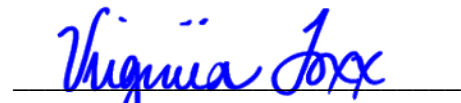
Nancy Mace
Chairwoman
Subcommittee on Cybersecurity,
Information Technology, and
Government Innovation



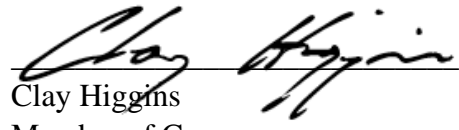
Lisa McClain
Chairwoman
Subcommittee on Health Care and
Financial Services



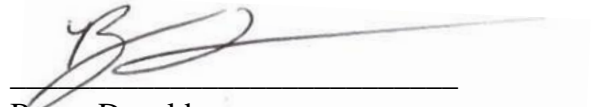
Paul A. Gosar, D.D.S.
Member of Congress



Virginia Foxx
Member of Congress

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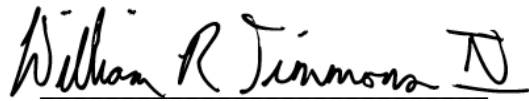
Clay Higgins
Member of Congress

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Byron Donalds
Member of Congress

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Kelly Armstrong
Member of Congress

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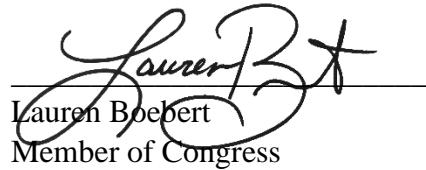
William R. Timmons, IV
Member of Congress

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Tim Burchett
Member of Congress

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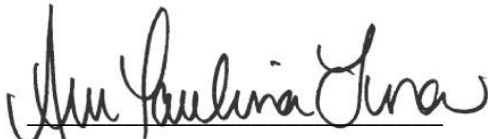
Marjorie Taylor Greene
Member of Congress

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Lauren Boebert
Member of Congress

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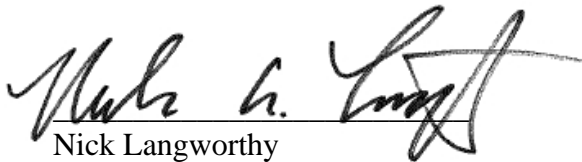
Russell Fry
Member of Congress

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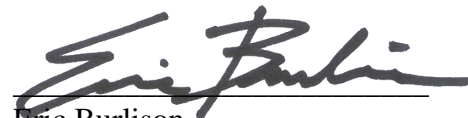
Anna Paulina Luna
Member of Congress

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Chuck Edwards
Member of Congress

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Nick Langworthy
Member of Congress

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Eric Burlison
Member of Congress

The Honorable Deanne Criswell

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cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Robert Garcia, Ranking Member
Subcommittee on National Security, the Border, and Foreign Affairs

The Honorable Kweisi Mfume, Ranking Member
Subcommittee on Government Operations and the Federal Workforce

The Honorable Gerald Connolly, Ranking Member
Subcommittee on Cybersecurity, Information Technology, and Government
Innovation

The Honorable Katie Porter, Ranking Member
Subcommittee on Health Care and Financial Services